

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte OLE K. NILSEN

Appeal No. 97-3673
Application 08/251,125¹

ON BRIEF

Before THOMAS, HAIRSTON, and KRASS, Administrative Patent Judges.

¹ Application for patent filed May 31, 1994. According to appellant, this application is a continuation-in-part of Application 07/846,014, filed March 4, 1992, now U.S. Patent No. 5,446,346; which is a continuation-in-part of Application 07/734,188, filed July 22, 1991, now U.S. Patent No. 5,428,266; which is a continuation-in-part of Application 07/643,023, filed January 18, 1991; which is a continuation-in-part of Application 06/787,692, filed October 15, 1985; which is a continuation of Application 06/644,155, filed August 27, 1984; which is a continuation of Application 06/555,426, filed November 23, 1983; which is a continuation of Application 06/178,107, filed August 14, 1980; which is a continuation-in-part of Application 05/973,741, filed December 28, 1978, now abandoned; which is a continuation-in-part of Application 05/890,586, filed March 20, 1978, now U.S. Patent No. 4,184,128.

MAILED

JUN 03 1999

PAT & TM OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Appeal No. 97-3673
Application No. 08/251,125

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1 through 10, all of the claims pending in the application.

The invention is directed to electronic ballasts for gas discharge lamps and, more particularly, to electronic ballasts having a controlled DC supply voltage.

Representative independent claim 2 is reproduced as follows:

2. An arrangement comprising:

an inverter circuit having: (i) DC terminals connected with a DC supply voltage and operative to draw DC input power therefrom, the magnitude of the DC supply voltage being substantially unaffected by the amount of power drawn therefrom; and (ii) AC terminals across which exists an AC output voltage, the magnitude of the AC output voltage being substantially proportional to the magnitude of the DC supply voltage;

an L-C circuit having an inductor means and a capacitor means effectively series-connected across the AC terminals, thereby giving rise to resonant action such as to cause an alternating current to be drawn from the AC terminals and a ballast output voltage to develop across the capacitor means; the capacitor means being connected with a pair of ballast output terminals; under a condition of little or no loading of the L-C circuit, the L-C circuit having a natural resonance at or near the fundamental frequency of the AC output voltage and, due to resonant action, being operative to cause the amplitude of the ballast output voltage to have a first magnitude; under a condition of substantive loading of the L-C circuit, the amplitude of the ballast output voltage having a second magnitude; the second magnitude being distinctly lower than the first magnitude;

Appeal No. 97-3673
Application No. 08/251,125

gas discharge lamp means having a pair of lamp terminals operable to connect with the ballast output terminals and functional, when indeed so connected, to constitute said substantive loading of the L-C circuit; and

auxiliary sub-assembly operable to be connected between the L-C circuit and the inverter circuit; with the auxiliary sub-assembly indeed so connected, and under said condition of little or no loading of the L-C circuit, the auxiliary sub-assembly being functional to cause the amplitude of the ballast output voltage to be substantially lower than it would have been in case it were not so connected.

The examiner relies on the following references:

Wallace	3,611,021	Oct. 5, 1971
Pierce	3,889,153	Jun. 10, 1975

Claims 9 and 10 stand rejected under 35 U.S.C. § 112, first paragraph, as being based on an inadequate written description.

Claims 1 through 8 stand rejected under 35 U.S.C. § 103 as unpatentable over Wallace in view of Pierce.

Further, the examiner objects to the specification for failing to provide proper antecedent bases for the claimed "first sub-circuit," "second sub-circuit," "third sub-circuit," and "fourth sub-circuit."

Reference is made to the brief and answer for the respective positions of appellant and the examiner.

OPINION

Turning first to the examiner's objection to the specification for failing to provide proper antecedent bases for

Appeal No. 97-3673
Application No. 08/251,125

the various claimed sub-circuits, only claim 1 appears to contain this language and there is no outstanding rejection of claim 1 under 35 U.S.C. § 112 before us. Nevertheless, to the extent there is any rejection of claim 1 on this ground, we note that the claim language to which the examiner objects appears in the originally filed claim. Therefore, any rejection of this claim based on the written description requirement of 35 U.S.C. § 112 must fall.

Turning now to the rejection of claims 9 and 10 under 35 U.S.C. § 112, first paragraph, based on an inadequate written description, we will not sustain this rejection. We agree with appellant that the examiner's rejection, alleging an "impossibility" and that there will "always be a load across two nodes that will drop the voltage across these two nodes," is not comprehensible.

The examiner does further explain the rejection in the response section of the answer and it appears clear that the examiner is objecting to the claim language "the magnitude of the AC output voltage being substantially the same irrespective of the amount of power being drawn from the AC terminals." The examiner apparently takes the position that because the claim calls for a constant voltage magnitude irrespective of the amount

Appeal No. 97-3673
Application No. 08/251,125

of power being drawn, this is an impossibility because in the case where load terminals are shorted, the voltage thereacross would be zero although the claims call for a constant voltage magnitude irrespective of the amount of power drawn. Reading the claim language in view of the specification, it is clear to us that the specification describes a regulated induction circuit and we find nothing in the claim language inconsistent therewith. Accordingly, we will not sustain the rejection of claims 9 and 10 under 35 U.S.C. § 112, first paragraph.

We turn, finally, to the rejection of claims 1 through 8 under 35 U.S.C. § 103.

We will not sustain the rejection of claims 1 through 8 under 35 U.S.C. § 103 because, in our view, the examiner has failed to present a prima facie case of obviousness with regard to the claimed subject matter.

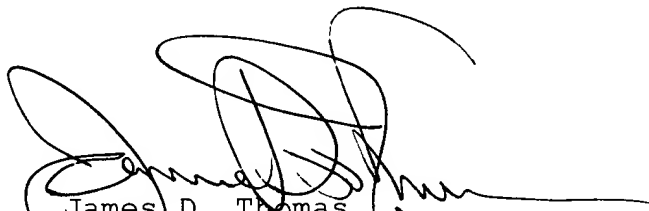
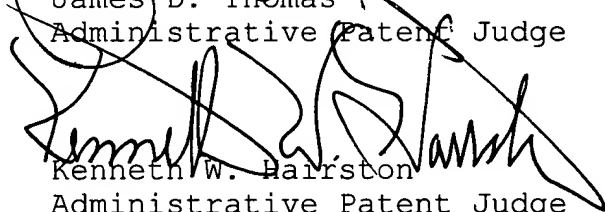

In particular, independent claims 1, 2 and 7 require an inductor and a capacitor "series-connected" across the AC terminals. While Wallace clearly discloses a capacitor 26 and some impedance, there is no L-C circuit in Wallace which is "series-connected" across the AC terminals, i.e., across the same terminals which are connected to the lamp. The capacitor 26 in Wallace is connected in series with the lamp, and not across, or

Appeal No. 97-3673
Application No. 08/251,125

parallel to, it. The examiner's only response is to point to "column 2, around line 60 of Wallace" which describes "equivalent series impedance." However, this recitation in Wallace is not equivalent to a series-connected capacitor-inductance connected across the AC terminals, as claimed. We are also unconvinced that there would have been any reason for the artisan to have combined Wallace and Pierce in order to arrive at the instant claimed invention.

The examiner's decision is reversed.

REVERSED


James D. Thomas
Administrative Patent Judge)
)
)
)
)

Kenneth W. Harriston)
Administrative Patent Judge)
)
)
)

Errol A. Krass)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS AND
INTERFERENCES

tdc

Appeal No. 97-3673
Application No. 08/251,125

Ole K. Nilssen
408 Caesar Drive
Barrington, IL 60010